

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 6/26/07

Signature:

(Valerie J. Sarosky)

Docket No.: SEPR-P01-056  
(PATENT)



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:  
Zepp et al.

Application No.: 10/712,849

Confirmation No.: 9511

Filed: November 13, 2003

Art Unit: 1609

For: COMPOSITIONS AND METHODS FOR  
TREATING OR PREVENTING HEARING  
IMPAIRMENT

Examiner: Polansky, Gregg

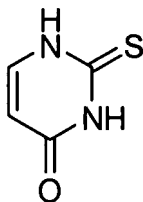
### RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the outstanding Restriction Requirement, dated January 23, 2007, in connection with the above application, Applicants hereby elect Group I, claims 1-3, 11-18, 20, 21, and 23-29, drawn to a method for preventing, reducing, or otherwise treating hearing impairment by administering a compound having a structure according to formula I, without traverse. More specifically, Applicants elect Group Ib, wherein  $R_1$  and  $R_2$  taken together form a substituted or unsubstituted heterocyclyl having 6 members, and  $R_3$  represents hydrogen, alkyl, alkenyl, alkynyl, alkylthio, imine, amide, cyano, isocyano, carbonyl, carboxyl, carboxamide, alkylsulfonyl, arylsulfonyl, ketone, aldehyde, ester, heteroalkyl, nitrile, amidine, acetal, ketal, substituted or unsubstituted aryl, substituted or unsubstituted heteroaryl, aziridine, carbamate, imide, urea, or thiourea.

With respect to the election of species, to the extent it applies to the above election, Applicants elect 2-thiouracil as shown below for search purposes only.

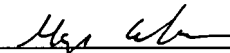


Applicants reserve the right to pursue non-elected subject matter in a continuation or divisional application.

Applicants believe no additional fee is due with this response, aside from the Petition for Extension of Time. However, if an additional fee is due, please charge our Deposit Account No. 18-1945, under Order No. SEPR-P01-056 from which the undersigned is authorized to draw.

Dated: June 26, 2007

Respectfully submitted,

By   
Maya Escobar, Ph.D.

Registration No.: 56,346  
FISH & NEAVE IP GROUP, ROPES & GRAY  
LLP

One International Place  
Boston, Massachusetts 02110  
(617) 951-7000  
(617) 951-7050 (Fax)  
Attorneys/Agents For Applicant